

Minutes – March 10, 2016

The following members of the Board were present at the County Commissioners' Meeting Room, Charles County Government Building, for a regular hearing of the Board of License Commissioners: Pamela Smith, Chairman, William B. Young, Vice Chairman, Guy N. Black, Thomasina Coates, and Steve Lowe were present. Also appearing in support of the Board were M/Cpl. Judith Thompson, Alcohol Enforcement Coordinator; Inspector Greg Kiesel, Associate County Attorney Matthew Clagett, and Lisa Bailey, Clerk/Recording Secretary.

1. Upon a motion made, duly seconded and unanimously carried, the following temporary alcoholic beverage license applications were approved:

Woodrow Wilson Alumni DC Chapter, by Alicia Perkins & Patrick Goodwin, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, on Saturday, April 9, 2016 from 9 p.m. to 1:00 a.m., inside Take a Bow, 109A Post Office Road, Waldorf, for a fundraiser/GLOW party for adults, with approximately 300 people expected to attend.

Indian Head Volunteer FD & RS, by Larry Wayne Johnson, Jr. Appearing on behalf of the applicant was Andy Bebusa, for a 1-day temporary alcoholic beverage license to sell/serve Beer Only on March 12, 2016 from 10:30 a.m. to 8:30 p.m., inside the FVD/RS, for a cornhole tournament/fundraiser with approximately 100 people expected to attend.

The Restorers of Mount Carmel in Maryland, Inc., by Daniel R. Bowes, President, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor on Saturday, April 23, 2016 from 6-11 p.m., inside Sacred Heart Church hall, for their 7th annual fundraiser to benefit Financial Aid – Carmel of Port Tobacco, with approximately 100 people expected to attend.

School of Outreach Liberal Arts & Recreation (SOLAR), by Wanda Smith Battle. Appearing on behalf of the applicant was Lafayette Williamson, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor, on Saturday, May 7, 2016 from 8 p.m. to 2:00 a.m., inside Take a Bow a/k/a The Culture Center, 109A Post Office Road, Waldorf, for their second annual fundraiser with approximately 400 people expected to attend.

Indian Head Center for the Arts/Black Box Theatre, by Evie Hungerford, for three (3) 1-day temporary alcoholic beverage license to sell/serve Beer & Wine only on Saturday, April 2, 16 & 30, 2016, from 6-11 p.m. inside the Black Box Theatre for a fundraiser with approximately 85 people expected to attend each event.

LaPlata VFD Ladies Auxiliary, by Elizabeth Swann, for a 1-day temporary alcoholic beverage license to sell/serve BWL (Wine) on April 8, 2016 from 5-10:00 p.m., inside the FVD, for a Wine & Design fundraiser with approximately 50 people expected to attend.

National Wild Turkey Federation, by Colin Mohler, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor on April 2, 2016 from 3-11 p.m., inside the Charles County Fairgrounds for their Chapter banquet with approximately 350 people expected to attend.

College of Southern Maryland, by Shaunda Holt, for a 1-day temporary alcoholic beverage license to sell/serve Beer, Wine & Liquor on March 31, 2016 from 6:30-9:30 p.m. at Eatwell Farms, St. Alban's Road, La Plata, MD, for a cooking class sponsored by the College of Southern Maryland with 14 people expected to attend.

2. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board approved the request, as written and presented by Nancy Dale Rice, Waterbillies, Inc., t/a The Scuttlebutt, 12320 Neale Sound Drive, Cobb Island, MD 20625, for a modification of her existing Consent Order to include the use of a 16' x 10' service bar within the outside area, as depicted in the photographs, contingent upon the licensee filing an Affidavit of Posting the legal notice at the premises in accordance with Article 2B, Section 10-202. The Board also approved two 1-day special exceptions which allow Nancy Dale Rice, Waterbillies, Inc., t/a The Scuttlebutt, 12320 Neale Sound Drive, Cobb Island, Maryland 20625, to expand her licensed premises to include a defined area adjacent to her parking lot on the following dates: Cobb Island Days, June 11, 2016 from 11 a.m. to 5 p.m.; and June 18th from 11 a.m. to 6 p.m. for Cobb Island Yacht Club summer kick-off, as written and presented.

3. Gregory A. McGowan, Jr., Garry L. Little, Jr., The Social@228, LLC, t/a The Social@228, 9425 Berry Road, Waldorf, Maryland 20603, appeared for a new Class B/RB (Restaurant Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license with entertainment and an outside service area. Counsel to the applicant David Martinez, Esq. Testimony was presented by the applicants pertaining to the facts contained in the application which evidences Mr. McGowan holding an 80% interest in TheSocial @228, LLC, and Mr. Little holding the remaining 20% and serving as resident licensee. The applicant agreed to a Consent Order to be submitted under separate cover and describes the conditions upon which the licensee agrees to utilize the Outside Area. The licensee anticipates hosting live entertainment described as a "3 person quartet; live bands & DJs." The Board cautioned the licensees as to concerns with patrons parking along Rt. 228, and cautioned the applicants that they must maintain their parking area to serve their full capacity. The applicants anticipate a restaurant/bar type of operation, will have a policy of 100% ID check, and no vertical licenses. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the application filed on behalf of Gregory A. McGowan, Jr., Garry L. Little, Jr., The Social@228, LLC, t/a The Social@228, 9425 Berry Road, Waldorf, Maryland 20603, for a new Class B/RB (Restaurant Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license, with entertainment; as well as, a defined outside area as set forth in a separate consent order, is approved as presented, contingent upon filing of a Health Permit and Use & Occupancy Permit along with payment of the appropriate annual license fee.

4. Gregory A. McGowan, Jr., Garry L. Little, Jr., The Social@228, LLC, t/a The Social@228, 9425 Berry Road, Waldorf, Maryland 20603, appeared on March 10, 2016, for a new Class B/RB (Restaurant Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license, along with a request to expand their licensed premises to allow patrons to consume alcoholic beverages in a defined outside area. Counsel to the applicant David J. Martinez, Esq.

Upon a motion duly made, seconded and unanimously carried, the Board ordered that the application for an Open Air Exception be approved as presented by the applicant, and as follows:

1. The Open Air Exception area shall not exceed 50% of the inside licensed premises, as depicted in the attached diagram.
2. Live and/or amplified music or entertainment shall be prohibited in the Open Air Exception area.
3. The Open Air Exception area shall be enclosed in a manner to restrict access so that the sale and consumption of alcoholic beverages can be restricted and controlled – including specifically, that no open containers shall be carried outside the defined premises.
4. Ingress and Egress to the Open Air Exception area shall be through the licensed premises only.

5. The licensee will obtain all necessary permits for the Open Air Exception area.
6. Photographs depicting the above-listed criteria must be submitted to the Clerk before final approval of the Open Air Exception area is granted.
7. Bars or service areas within the confines of the Open Air Exception area shall be prohibited.
8. That the approval is conditioned upon the written request and testimony and evidence presented to the Board of License Commissioners on March 10, 2016, and upon the restrictions consented to by the applicant including those contained herein.
9. That a violation of the terms of this Consent Order may lead to the Board of License Commissioners withdrawing its consent, rendering this Consent Order null and void.

5. Avani Pankaj Presswala, Denise M. Pierce, BP Waldorf, LLC, t/a Boston's The Gourmet Pizza, 10440 O'Donnell Place, Waldorf, Maryland 20603, appeared for a transfer of the Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license from Avani Pankaj Presswala, Adam Douglas Hiland, BP Waldorf, LLC, t/a Boston's The Gourmet Pizza, 10440 O'Donnell Place, Waldorf, Maryland 20603. Counsel to the applicant was Sue Greer, Esq. Testimony was presented by Ms. Pierce pertaining to the facts contained in the application which evidences, among other things, Ms. Pierce replacing Mr. Hiland as a managing member/authorized person of BP Waldorf, LLC. Ms. Pierce also serves as resident licensee and holds a 20% interest in BP Waldorf, LLC. The applicants anticipate no change in the type or operation of business to be conducted at the licensed premises. Mr. Presswala continues as a licensee, holding an 80% interest in BP Waldorf, LLC. Upon consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the application filed on behalf of Avani Pankaj Presswala, Denise M. Pierce, BP Waldorf, LLC, t/a Boston's The Gourmet Pizza, 10440 O'Donnell Place, Waldorf, Maryland 20603, for a transfer of the Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license from Avani Pankaj Presswala, Adam Douglas Hiland, BP Waldorf, LLC, t/a Boston's The Gourmet Pizza, 10440 O'Donnell Place, Waldorf, Maryland 20603, be hereby approved as presented, contingent upon the payment of the appropriate transfer fee.

6. The matter of the application filed on behalf of George Kenneth Hayden, Jr., Aqualand Marina Operations, L.L.C., t/a AMO Ship Store, 9610 Orlando Park Road, Newburg, Maryland 20664, for a change in location in the same election district and transfer of the Class D – Beer & Wine (on/off sale) alcoholic beverage license from George Kenneth Hayden, Jr., BRC, LLC, t/a Aqualand Marina Ships Store, 9860 Orlando Park Road, Newburg, Maryland 20664, was continued to May 12, 2016, as requested by counsel to the applicant, Isaac A. McAdams.

7. Show Cause in the matter of the Class B/RB (Restaurant/Bar) Beer, Wine & Liquor (on sale only) alcoholic beverage license issued to Cherry Ann Mitchell Stackhouse, The Greene Turtle La Plata LLC, t/a The Greene Turtle, 6 St. Mary's Avenue, La Plata, Maryland 20646, alleging service to an Approved Underage Person, on December 12, 2015. The clerk and licensee acknowledging receipt of the Show Cause Order and admitted to the allegations contained therein. Counsel to the licensee was Hammad Matin, Esq. In consideration of the testimony and evidence

presented and upon a motion duly made, seconded and unanimously carried, the Board ordered that the violation constitutes a subsequent offense to a matter which was previously adjudicated by the Board of License Commissioners on March, 12, 2015; and ordered that the alcoholic beverage license be suspended for a period of three days, with all three days held in abeyance for three years from the date of this hearing; and that the licensee be fined One Thousand Five Hundred Dollars made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 30-days of the date of this Order; and that the server, Jeremy Michael Jameson, be fined Fifty Dollars, made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the written Order.

8. Show Cause in the matter of the Class D – Beer, Wine (on/off sale) Liquor (off sale only) alcoholic beverage license issued to Sarwan Singh, Charles St. Liquors, LLC, t/a La Plata Liquors, 503 E. Charles Street, La Plata, Maryland 20646, alleging service to an Approved Underage Person, on January 15, 2016. The clerk and licensee acknowledged receipt of the Show Cause Order and admitted to the allegations contained therein. Counsel to the licensee was Hammad Matin, Esq. In consideration of the testimony and evidence presented and upon a motion duly made, seconded and unanimously carried, the Board ordered that the violation constitutes a subsequent offense to a matter which was previously adjudicated by the Board of License Commissioners on June 11, 2015; that the alcoholic beverage license be suspended for a period of six days, with five of the six days to be held in abeyance for three years from the date of this hearing. The suspension is to begin at opening of business on Monday, March 21, 2016, and end at close of business March 22, 2016; and that the licensee be fined Two Thousand Dollars, made payable to the Charles County Treasurer and delivered to the Board of License Commissioners prior to the license being re-instated; and that the server, Sahil Tuli, be fined One Hundred Dollars, made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the written Order.

9. Show Cause in the matter of the Class D – Beer, Wine (on/off sale) Liquor (off sale only) alcoholic beverage license issued to Sondra M. Gray, Gray Brothers' Market, Inc., t/a Gray Brothers Store, 4000 Chicamuxen Road, Marbury, MD 20658, alleging service to an Approved Underage Person, on January 9, 2016. The clerk and licensee acknowledged receipt of the Show Cause Order and admitted to the allegations contained therein. In consideration of the testimony and evidence presented, and upon a motion duly made, seconded and unanimously carried, the Board ordered that the violation constitutes a subsequent offense to a matter which was previously adjudicated by the Board of License Commissioners on March 12, 2015; and that the alcoholic beverage license be suspended for a period of six days, with three of the six days to be held in abeyance for three years from the date of this hearing. The suspension is to begin at opening of business on Monday, March 21, 2016, and end at close of business March 23, 2016; and that the licensee be fined Two Thousand Dollars, made payable to the Charles County Treasurer and delivered to the Board of License Commissioners prior to the license being re-instated; and that the server, Karen A. Carpenter, be fined Three Hundred Dollars, made payable to the Charles County Treasurer and delivered to the Board of License Commissioners within 14 days of the date of the written Order.

10. The clerk called Wayne Hartridge, Angela Delores Gray, Georgene Meyers Thompson, Mattawoman Restaurant, Inc., t/a Mattawoman Restaurant a/k/a Mattawoman Seafood, 5024 Hawthorne Road, Indian Head, Maryland 20640, with regard to their request to amend their 1997 Consent Order security requirement from 7-days/week to only Friday, Saturday & Sunday. This matter initially came before the board in August, wherein the board ordered that it be placed on hold for 6 months and then be reevaluated. At the February hearing M/Cpl. Thompson advised that there is no visible evidence of any security plan. The Board voted to reschedule consideration of this request to March hearing and directed licensee to appear and present their current security plan. Upon a request of the licensee, the Board continued this matter to the May hearing.

11. The clerk advised that the licensee trading as Capt. Billy's notified the clerk that they are reopening for the Season on March 10, 2016.

12. M/Cpl. Judith Thompson shared the January Compliance Check Report indicating the following 11 out of 15 premises passed a compliance check (all rechecks):

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| 1. Murphy's Store, La Plata | 7. Mama Stella's Ristorante Italian |
| 2. Big B Liquors, Bryans Rd | 8. Hilton Garden Inn, Waldorf |
| 3. Boston Gourmet Pizza | 9. Red Lobster Q#557 |
| 4. Buca DiBeppo, Waldorf | 10. Vino Liquors, La Plata |
| 5. Courtyard by Marriott | 11. Scott's II, Welcome |
| 6. Portside Liquors, Bryans Rd. | |

13. M/Cpl. Judith Thompson provided the Board with a Summary Final Report of Compliance Check Program, for 2014 and 2015. Among other items of interest, the Reports evidenced a 12% failure rate for 2014; and a 23% failure rate for 2015.

14. Upon a motion duly made, seconded and unanimously carried, the Board approved the Minutes of January, 2016.

15. The clerk shared information with regard to the Maryland Alcohol Licensing Association's Spring meeting scheduled for May 6-7, 2016, and asked the members to let her know as soon as possible if they wished to attend.

16. David Martinez, Esquire, advised the Board as to the construction progress with regard to 228 Market & Liquor, indicating the framing is well underway. Further, upon the request of the licensee, the Board extended the build-out deadline to June 30, 2016.

17. The clerk advised that the approved Open Air Consent Order for the premises trading as Galazio Restaurant remains pending, awaiting build-out, architectural drawings and photographs.

With no further business the meeting adjourned at 3:10 p.m.